

Legal issues to consider when holding events (SA)

Legal information for South Australian community organisations

This fact sheet covers:

- ▶ permits that your community organisation may need before holding an event
 - ▶ what to consider when hiring a venue or equipment
 - ▶ copyright, marketing and promotions
 - ▶ event insurance
 - ▶ legal obligations around event safety
 - ▶ providing accessible events and activities
 - ▶ sponsorship for an event
 - ▶ laws that regulate fundraising in South Australia
 - ▶ tax considerations concerning events
 - ▶ other issues, and
 - ▶ checklist for running an event
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This fact sheet outlines some of the main legal issues that South Australian community organisations should consider when organising and holding an event in South Australia.

This fact sheet does not specifically cover issues for events run outside of South Australia, even if the organisation running the event is South Australian-based. However, you will find many of the same legal issues will need to be considered if you are running an event in another jurisdiction.

This fact sheet contains general information, is not intended to provide an exhaustive list of all issues your organisation should consider and should not be used as a substitute for legal advice or tax advice. Your organisation may need to get specific legal and tax advice about its event plans and potential liability.



Caution – COVID-19 restrictions

The ability of organisations to hold events may be subject to any COVID-19 restrictions in force in your state or territory.

You need to make sure your organisation complies with these restrictions.



Do we require permits from the local council and other authorities for our event?

The permits or licenses that your community organisation may need to obtain before holding an event (and for the duration of the event) will depend on:

- the type of event
- the activities to take place
- the facilities which will be provided to patrons and participants including any particular goods or services (such as food, alcohol, merchandise and gaming), and
- the particular requirements of the relevant local council and other authorities

We recommend that you always check with your local council to see what council-specific permits, as well as other relevant authorities for specific permits (for example, liquor licences from the [South Australian Consumer and Business Services](#)) you may require before running your event.

Events and activities which generally require permits or licences

Permits or licenses are generally required for the following events and activities:

- holding an event on council or other public land
- setting up a temporary structure or using a venue for a purpose it is not designed for
- serving food to the public
- serving alcohol to the public
- playing live or recorded music
- displaying signs and banners
- community gaming
- setting up a market stall
- filming on council land
- providing access to St John Ambulance services
- participation in SA Companion Card Program
- using gas cylinders to cook or for other purposes
- using an open flame
- using fireworks, and
- using the footpath or closing a road

This is not an exhaustive list and there may be other permits required for your event.



Example

An event that you may need to close a road or footpath for is a fun run.



Caution

If you're running a sporting or entertainment event on ANZAC Day, you should be aware that it is unlawful in South Australia to hold a public sporting or entertainment event on this day between the hours of 5.00 am and 12 noon. The Minister will only grant authorisation for such an event if they believe it is in the public interest to do so. For further information on these restrictions refer to the [ANZAC Day Commemoration Act 2005](#) (SA).

Ways to identify which permits may be needed

One way to identify local, state and federal permits, licences and registrations that are relevant to your event is to access the [Australian Business Licence Information Service \(ABLIS\)](#).

Although this website has been set up to help small businesses, it may be helpful for people involved in community organisations to work out some of the permits, licences or registrations your organisation may need. A link to the ABLIS system has been provided above and included in the Resources section below.

Your community organisation may also want to contact the relevant local councils directly. Most councils have officers who can provide your organisation with information about permits, venue availability, public liability insurance requirements, selling food or alcohol and other issues associated with your event. This information may also be available on your local council's website.

Depending on the type and size of your event, some local councils will also ask for a risk management plan, and often provide detailed event planning guides to help you through the process.



Tip

The '[Guided Search](#)' tool located on the [ABLIS website](#) is a useful way to determine which licenses and permits you may need depending on the type of event you plan to hold.

What should we consider when hiring a venue or equipment?

Your organisation should be aware that an agreement to hire a venue or equipment is usually a legally-enforceable contract.

It's important to read the terms and conditions of the contract carefully and make sure your organisation can comply with these. In particular, your organisation should be aware of the terms and conditions relating to insurance, liability indemnity (see below) and your organisation's obligations to repair or replace any damage to equipment or property.

You should also carefully consider your payment obligations and whether these will still apply if you need to cancel the event for any reason (such as not selling enough tickets or because of poor weather conditions).

Note – you may still have to comply with your contractual obligations under a hire agreement, even if your event does not run. You should obtain legal advice if you do not understand the terms of a hire agreement, or if it imposes significant financial obligations on your organisation. Similarly, you should seek specific legal advice if it becomes necessary to postpone or cancel your event.

Copyright, marketing and promotions

Playing live music, recorded music or music videos at an event

If you are planning to broadcast, communicate or publicly perform recorded music or music videos at your event, you will usually require two licences – one from music rights organisation [APRA AMCOS](#), and one from the [Phonographic Performance Company of Australia Limited \(PPCA\)](#). These different licences reflect the fact that there are at least two copyrights in any one recording – the copyright in the song and the copyright in the recorded version of the musical work.

PPCA is authorised by participating record labels to grant licences and to collect licence fees to play recorded music or music videos. You will need a licence if the playing of recorded music or music videos at your event is considered a 'public performance' (meaning, in a non-domestic environment). Even if the performance or the event is given for free, or the audience is small, or there is no admission fee, or the performance is confined to members of a club, or a limited area, you may still require a licence.



Caution

Simply buying a CD or a DVD does not give your organisation the right to play that music or music video in a public setting or at a public event.



Example

You will need to apply for a licence from PPCA if you plan to play recorded music at any of the following types of events:

- fetes, garden parties, school, church or dance academy concerts;
- arts, fringe, food, wine, sporting, film and community festivals, eisteddfods, exhibitions, fashion shows,
- not-for-profit events solely for underage participants, and
- any ticketed multi-act music event

While [PPCA](#) provides licences covering the public performance of a recording or music video of the song (a particular recorded performance), and represents the interests of recording artists and record labels, you may also need to consider obtaining a licence from APRA AMCOS. APRA AMCOS provides licences covering the copyright in the song (lyrics, composition) and represents the interests of composers and publishers.

If you are planning to have live performances of music at your event, you will usually need a licence from APRA AMCOS.



Note

Note that a joint venture of APRA AMCOS and PPCA, called [OneMusic Australia](#), is due to launch in the first half of 2019 and aims to simplify the process of acquiring a public performance music licence.



Example

You will need to apply for a licence from APRA AMCOS if you plan any of the following for your event:

- music performed at events – for example, promoted concerts, dance parties and other performances
- recorded music and live entertainment used during the course of a sporting event, or
- use of music (including copying print music for use by community orchestras, bands, choir), such as by churches, community bands, choirs, orchestras, eisteddfods, dance schools and other groups or organisations

Marketing and promotions

Before marketing an event you should ensure that you have the necessary permissions if you are using photographs, videos and text created or owned by other people. This also includes using photographs,



videos, music or text on online forums (for example, your website or blog) or through social media forums. You will need permission from the copyright owner for materials that have been created by someone else.

Refer to the [Australian Copyright Council website](#) for information about when permission is required and how to request permission to use copyrighted works.

In addition, if you plan to take pictures or videos at your event and wish to use the images or film in a public forum, such as a website, brochure, newsletter, pamphlet or poster, you may need to seek permission from the people who appear in the content pursuant to privacy laws and/or the copyright owner. Seeking permission often means obtaining signed release forms from the people who appear in any images or videos you collect. A release form should explain what you will be using the image or video for, and you should not use the image or video for any purpose other than that stated. Further, some councils require you to obtain a permit before the event if you plan to take pictures or videos at your event.

When advertising an event you need to make sure your organisation abides by any applicable laws or codes.



Related Not-for-profit Law resources

For more information, see our guide to advertising and fact sheet on social media on our [communications and advertising webpage](#).

The price paid for certain event tickets may have tax implications for your organisation (see Tax Considerations below).

What about event insurance?

Getting your own insurance

As the organiser of an event, it is likely your community organisation will need to take out public liability insurance, particularly if your event is to be held on council or public land.

The owner of the land or the venue you are wanting to hire will typically insist that your community organisation has public liability insurance of at least \$10 million. You should check with your local council for further information. Some councils and other organisations will also ask you to list them in your policy as an 'interested party' and will request a copy of the policy before giving permission to hold your event.



Caution

Your organisation should not ignore requirements set out in lease agreements or permit conditions.



Caution

It may be a condition of your agreement to use the land or venue, or a condition of a permit, that all parties providing entertainment are covered by your insurance. Make sure you carefully read all your agreements and permits well in advance of your event! You should check if the parties providing entertainment have their own insurance.

Additional insurances

There may be a range of other insurances that your organisation will be required to get or will need to consider:



- if you are selling food or other products to the public – **product liability insurance**
- if you are relying on volunteers to help you with the event – **voluntary workers personal accident insurance**
- if you are hiring employees to help you with the event – **workers compensation insurance**, and
- if you are hiring independent contractors – review the agreements that you have with your independent contractors. Such agreements should specify the insurance cover you need your independent contractors to have in place.



Related Not-for-profit Law resource

For more information about insurance, see our [webpage on risk and insurance](#).

What are our legal obligations around event safety?

Your organisation will have a legal obligation to make sure the event is safe. Your organisation owes this obligation to the people involved in organising the event (volunteers, employees, independent contractors) and anyone who comes to the event (such as members of the public).

Generally, organisers of an event will owe a duty of care (through the law of negligence) to participants in the event. Briefly, this means that an organisation must take reasonable precautions against any foreseeable risk of harm to individuals attending events. In determining liability, courts will assess whether your organisation should have reasonably foreseen that its activities and actions (or inaction) could have caused loss, damage or injury to a participant. These obligations extend beyond 'accidents' and include harm that is foreseeable due to poor food preparation and alcohol service.

The legal obligation to ensure the event is safe for people involved in working at the event may also arise under the South Australia's work health and safety legislation (the *Work Health and Safety Act 2012 (SA)*) which applies to community organisations and has a very broad definition of 'workplace' which may include the event location.



Related Not-for-profit Law resource

For more information about occupational health and safety laws, see our [webpage on occupational health and safety](#).

Your local council should be able to provide specific advice in relation to safety, security and emergency procedures applicable to your community organisation's proposed event (and may require a safety plan to be put in place).

Depending on the nature of your event, you may need to ensure the safety of equipment, goods and persons. You may wish to consider whether you need to notify or organise for some groups to be at your event, including:

- South Australian Police
- the South Australian Metropolitan Fire Brigade, Country Fire Authority or State Emergency Service
- an appropriately qualified first aid provider, for example St John Ambulance or SA Ambulance Service
- private security, and
- [SafeWork SA](#)



Related resources

SafeWork SA has further information on risk management and event planning on [its website](#), including tips and advice from its [workplace advisory service](#). [SA Health's website](#) also has useful information on public health and safety at events.



Tip

You should also consider whether you need to arrange background checks or Working with Children checks for certain people. See our [webpage on background checks](#).

Do we have to provide accessible events and activities?

Equal opportunity and anti-discrimination legislation applies in South Australia. These laws may prohibit discrimination against certain people on the basis of a person's impairment or disability, age, sex, sexuality, race, religious beliefs, status as a parent or carer, pregnancy or breastfeeding among many other attributes. Some exceptions to the laws apply.

In general, equal opportunity laws apply to prevent discrimination when providing goods and services, or when making facilities available, to the public. They also apply in other circumstances (for example in employment, sporting activities, and membership of clubs).



Tip

If you are charging an entry fee for your event, register for the [Companion Card Program](#). This allows people with a disability requiring lifelong attendant care support from a companion to attend events and projects without having to pay for a second ticket for their companion.

Your organisation could be covered by these laws and should put in place reasonable measures to ensure that your event (and goods and services, and facilities) are accessible to all people. Even if your organisation is not covered by these laws, it is best practice to do so.

See the Resources section below for further information on holding accessible events.



Tip

Before planning an event, check that the venue can reserve or allocate seating for people who use a wheelchair. Select accessible venues for individuals who may have physical disabilities such as hearing and sight limitations, and wheelchairs.

What about if we have sponsorship for the event?

If your community organisation is intending to share the cost of staging an event through sponsorship, it is recommended that you and your sponsor partner enter into a sponsorship agreement.

A sponsorship agreement will generally be a legally enforceable contract. Your organisation should be sure it can comply with the terms of the contract, especially if there are any conditions around sponsorship money (for example, any requirement that your organisation refund sponsorship money if you do not meet



your obligations under the agreement or if the event is cancelled). If you have any concerns about a proposed sponsorship agreement you should seek legal advice.

Do we need to consider fundraising laws?

Yes. There are laws that regulate fundraising in South Australia.

The *Collections for Charitable Purposes Act 1939 (SA)* (**Collections for Charitable Purposes Act**) regulates fundraising activities conducted for a 'charitable purpose'. Fundraising activities that are regulated in South Australia include doorknock appeals, telemarketing, sale of goods at second-hand shops, badge days, public appeals and film nights. If your organisation is considering holding a fundraising event in South Australia you will need to comply with the Collections for Charitable Purposes Act, obtain a Collections for Charitable Purposes Licence, and be registered on SA's Charities List.

There are different types of licences depending on the type of fundraising and the relationship between the collector and the fundraiser. It should also be noted that some organisations are exempt from the registration and licensing requirements, such as religious organisations, environmental groups and educational institutions. Applications can be made to [Consumer and Business Services](#). There is likely to be a long lead time between making the application and the granting of the licence, so you should contact Consumer and Business Services as early as possible in your event planning process.

There are also laws that regulate raffles, bingo and gaming.



Related Not-for-profit Law resource

For more information about fundraising law and gaming law requirements in NSW, see our guide to fundraising and our fact sheet on fundraising events involving minor gaming on [our fundraising webpage](#).

What are our tax considerations concerning events?

Tax considerations may apply to fundraising at your event. You should note that donations and contributions are treated differently.

Tax deductible gifts

If you want donors to be able to give tax deductible gifts or donations at your events, you need to be endorsed as a deductible gift recipient (**DGR**). Certain requirements need to be met in order to become a DGR or to satisfy tax deductibility requirements for benefiting donors.



Related resources

For further information on gifts and fundraising, see the [Australian Tax Office website](#) and our [webpage on DGR](#).

Goods and Services Tax (GST)

You may also be required to pay GST if you are selling tickets to your event. Generally, if you are registered for GST and you are selling tickets to a fundraising dinner or similar function in the course of your organisation's activities, you must pay GST on the tickets you sell. However, you should seek specific tax advice in relation to this issue. There are GST concessions and rebates available to many charities and not-for-profits.



Related Not-for-profit Law resources

For further information see [our fact sheet on Goods and Services Tax](#).

Other issues

There are many other issues you may wish to consider when organising your event. The following is a non-exhaustive list:

Acknowledging Traditional Owners at our event

An Acknowledgement of Country recognises that South Australia has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. It pays respect to the traditional owners.

An Acknowledgement of Country should be given at formal events, forums and functions such as conferences, events, concerts, government and local government meetings and official openings etc. For more information, see the '[Welcome and Acknowledgment to Country](#)' page on the Reconciliation South Australia website.

Local council

It is important to discuss your proposed event with the local council in order to find out the particular processes that might apply to the local council area including any formal approvals that might be required and any particular rules or regulations that may apply to the location in which you wish to hold your event.

Noise management

Managing noise at events using public open spaces is also an important consideration. Local councils may place restrictions on noise levels, as well as limits on the use of amplification equipment, unless written approval from the council has been obtained (for example, not to exceed 72dB when measured three metres from the sound source, or amplified sound must not start before, and must end by, certain times).

The *South Australian Environment Protection Act 1993* (SA) prohibits an activity that 'pollutes, or might pollute, the environment' unless reasonable and practicable measures are taken to prevent or minimise the pollution. The *Environment Protection (Noise) Policy 2007* provides a legal framework for the assessment of noise pollution.

As an event organiser, the South Australian Environmental Protection Authority recommends considering issues including hours of operation, noise from music, broadcasts and amplified speeches, vehicles, event activities, lighting and patrons and then consider ways to mitigate potential disturbances of the neighbourhood.

Events with impact on public transport or roads

If your event is likely to attract at least 5,000 people or require a special passenger service, you are required to notify the South Australian Department of Planning, Transport and Infrastructure. An event requires a special passenger service if any alteration is made to the regular passenger services. If you are unsure whether your event is likely to require a special passenger service you can contact Special Events at the Department of Planning, Transport and Infrastructure. Please be aware that you are required to notify the Department of Planning, Transport and Infrastructure six months before the event.

If the organisation of your event will require the complete or partial closure of any roads or otherwise disrupt road users, you should notify the South Australian Police Traffic Planning and the local council. You also need consider whether you need to apply for the relevant permits.

Handbills

'Handbills' includes flyers, leaflets, brochures, place cards, notices, pamphlets, free newspapers or other printed materials. You may wish to distribute handbills before and at your event. You should check whether there are any specific requirements set by your local council, including whether a specific permit is required or whether the handbill must contain any specific note (for example, 'Do Not Litter' in readable font).



Toilets

Organisers should ensure there are an adequate number of toilet facilities available to attendees, based on the number of persons expected to attend. Where existing toilet facilities are inadequate for an event, additional portable units must be made available.

Toilet locations should be:

- well marked (including with appropriate signage where applicable)
- separate from food service preparation and storage areas
- cleaned and maintained for the duration of the event
- well lit (including the surrounding area) if night usage is expected
- situated and screened to ensure privacy
- provided with hand
- provided with handwashing basins with cold running water, soap, disposable towels or air dryers and waste containers
- provided with toilet paper
- provided with provisions for disposal and removal of sanitary napkins, nappies and incontinence pads, condoms, needs and syringes and other refuse, and
- provided to enable feeding and or changing of infants

Where portable facilities are being provided, you should consider discussing these issues with a trusted supplier. Unisex toilets will also need to be provided for people with access needs.

For more information on the provision of toilet facilities, go to the South Australian Government [Guidelines for the Management of Public Health and Safety at Events.](#)



Checklist for running an event

Permits and licenses

- Public or council land
- Temporary structure
- Food
- Alcohol
- Gaming
- St John Ambulance
- Companion Card Program
- Gas cylinders
- Open flame
- Fireworks
- Using footpath or closing road

Copyright, marketing and promotions

- Licence from PPCA to play recorded music
- Licence from APRA AMCOS
- Permission to use photographs, videos and text created or owned by other people
- Release forms

Insurance

- Public liability insurance
- Product liability insurance
- Workers compensation insurance

Accessibility

- Appropriate arrangements for people with disabilities

Sponsorship

Fundraising

Tax

- Tax deductible gifts
- Goods and Services Tax (GST)

Contact Local Council

- Traffic management
- Noise management
- Public transport

Contact Local Police

- Traffic management

Acknowledgement of country

Resources

Not-for-profit Law resources

The [Not-for-profit Law webpage](#) contains many fact sheets on different topics. The following topics contain relevant further information:

- ▶ [Insurance and risk](#)
This page contains resources on background checks, occupational health and safety, negligence and incidents and accidents.
- ▶ [Fundraising and events](#)
This page contains resources on the main legal issues when fundraising in New South Wales.
- ▶ [Communications and advertising](#)
This page offers information on advertising and promotions and social media, such as Facebook and Twitter.

Other related resources

- ▶ [Australian Business License and Information Service \(ABLIS\)](#)
The ABLIS system is designed for businesses but can be used by community organisations. Using the ABLIS search function you can find about licensing and your compliance obligations.
- ▶ [Australian Copyright Council](#)
For information about when permission is required and how to request permission to use copyrighted works.
- ▶ [Disability Advocacy Resource Unit](#)
This page has a link to event guidelines produced by Disability Access for people with a hearing impairments and a hearing checklist for events. It also has a link to event guidelines written by Vision Australia for people with vision impairment. You need to search or scroll down the page.
- ▶ [Consumer and Business Services South Australia](#)
- ▶ [SafeWork SA](#)
The SafeWork SA website has various resources to assist in addressing and managing risks in the workplace

Legislation

- ▶ [Work Health and Safety Act 2012 \(SA\)](#)
This is a link to the legislation which sets out the laws relating to workplace health and safety in South Australia.
- ▶ [Equal Opportunity Act 1984 \(SA\)](#)
This is a link to the South Australian legislation that includes specific provisions prohibiting discrimination when providing goods and services.
- ▶ [Collections for Charitable Purposes Act 1939 \(SA\)](#)



This is a link to the South Australian legislation that regulates certain fundraising activities and events in South Australia.

▶ [Lottery and Gaming Act 1936 \(SA\)](#)

This is a link to the South Australian legislation that includes specific provisions which NFP organisations must comply with when seeking to raise monies using fundraiser lotteries.